

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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SALVATORE GUADAGNA, individually and on  
behalf of all persons similarly situated,

Plaintiff,

**ORDER**

-against-

CV 17-3397 (ADS) (AKT)

HOWARD ZUCKER, as Commissioner of the  
New York State Department of Health,

Defendant.

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**A. KATHLEEN TOMLINSON, Magistrate Judge:**

The Court has reviewed defendants' letter motion to compel compliance with the subpoena served on non-party Elaine Morgan [DE 114], the purported opposition letter [DE 115] of counsel representing Ms. Morgan, Joseph Ranni, Esq., and the reply filed by defendants' counsel [DE 116]. Initially, the Court points out that Attorney Ranni's letter does not constitute proper "opposition" to the motion since, among other things, there is not a single citation to legal authority supporting counsel's argument. In addition, although Mr. Ranni takes the position that discovery is stayed, that conclusion is simply erroneous. Neither Judge Spatt nor this Court has stayed non-party discovery. In fact, the opposite is true.

Non-party Elaine Morgan was properly served with a duly authorized subpoena. She has 21 days (until July 30, 2019) to either (1) comply with the subpoena or (2) file an appropriate motion to quash or modify the subpoena in compliance with the Federal Rules of Civil Procedure and the Local Rules of this District. Otherwise, the Court will issue an Order to Show Cause with respect to any non-compliance with this Order. Defendants' motion to compel [DE 114] is granted to the extent set forth in this Order.

Dated: Central Islip, New York  
July 8, 2019

**SO ORDERED.**

/s/ A. Kathleen Tomlinson  
A. KATHLEEN TOMLINSON  
United States Magistrate Judge